

रजिस्टर्ड नं० पी०/एस० एम० 14.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, बौरवार, 19 अगस्त, 1982/28 श्रावण, 1904

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हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचनाएं

शिमला-2, 18 अगस्त, 1982

क्रमांक एल० एल० आर०-डी (8) 12/82.—हिमाचल प्रदेश पब्लिक मनीज (रिकवरी आफ ड्यूज) (अमैडमेंट) बिल, 1982 (1982 का विधेयक संख्यांक 8) को "भारत के संविधान" के अनुच्छेद 200 के अन्तर्गत दिनांक

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13 अगस्त, 1982 को राज्यपाल महोदय की स्वीकृति के उपरांत एतद्वारा सर्वसाधारण की जानकारी के राजपत्र, हिमाचल प्रदेश में 1982 का अधिनियम संख्यांक 10 के रूप में प्रकाशित किया जाता है।

Act No. 10 of 1982.

**THE HIMACHAL PRADESH PUBLIC MONEYS  
(RECOVERY OF DUES) (AMENDMENT) ACT, 1982**

AN

ACT

*to amend the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973  
(Act No. 22 of 1973).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) (Amendment) Act, 1982.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

22 of 1973

2. In the long title and preamble to the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 (hereinafter called the principal Act), the words “payable to the State” shall be omitted.

Amendment  
of long title  
and preamble.

3. For the existing clauses (a), (b), (c), (d), (e) and (f) of section 2 of the principal Act, the following clauses (a), (b), (c), (d), (e) and (f) shall be substituted, namely:—

Amendment  
of section 2.

63 of 1951

“(a) “corporation” means the Himachal Pradesh Financial Corporation established under the State Financial Corporations Act, 1951 and includes any other corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification, specify;

(b) “financial assistance” means any financial assistance rendered—

- (i) for the purposes of vocational or technical training; or
- (ii) for the construction of residential building; or
- (iii) for providing drinking water *kuhl* or pipe line; or
- (iv) for the development of animal husbandry, agriculture or horticulture; or
- (v) for establishing, expanding, modernising, renovating or running any village or cottage industry, industrial undertaking or agro-industry; or
- (vi) for purposes of any other kind of planned development; or
- (vii) for relief against distress; or
- (viii) for loan under the National Loan Scholarship Scheme;

(c) “Government company” means a Government company as defined in section 617 of the Companies Act, 1956 and which is notified as such by the State Government from time to time;

1 of 1956

- (d) "industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining, or the hotel industry, or the transport of passengers or goods, or the generation or distribution of electricity or any other form of power or the maintenance, repair, testing or servicing of machinery, vehicles, vessels, motor boats, trailers or tractors or assembling, repairing or packing of any articles with the aid of machinery or power or fishing or providing shore facilities for fishing or maintenance thereof, or for the development of any contiguous area of land as an industrial estate or providing special or technical knowledge or other services for promotion of industrial growth.

*Explanation.*—The expression "processing of goods" includes any act or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation;

- (e) "sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government or the Central Government under which the concerned Government, either—
- (i) advances money to the corporation or the Government company for the purposes of disbursing loans, advances, grants, or subsidies or for the purpose of sale of goods on credit or hire purchase, or
  - (ii) guarantees or agrees to guarantee the payment of loan, advances, grant or subsidies or the payment of price of goods sold on credit or hire purchase; and
- (f) "State Government" means the Government of Himachal Pradesh.

Amendment  
of section 3.

4. In section 3 of the principal Act,—

- (i) after the word 'person' occurring for the first time in sub-section (1), the words "either as principal or as surety or as guarantor" shall be inserted ;
- (ii) for clauses (a) and (b) of sub-section (1), the following clauses (a) and (b) shall be substituted, namely:—

“(a)(i) to any agreement relating to a loan, advance, grant, subsidy, stipend or scholarship given to him under that agreement or relating to credit in respect of, or relating to hire purchase of, goods sold by the State Government or the corporation by way of financial assistance; or

(ii) to any agreement relating to a loan, advance, grant or subsidy given under that agreement or relating to credit in respect of, or relating to hire purchase of, goods sold by the Government company under the sponsored scheme; or

(b) to any agreement relating to a guarantee given by the State Government or a corporation in respect of a loan raised by an industrial undertaking ; or”

(iii) for the words “then, such officer as may be authorised in this behalf by the State Government, by notification in the Official Gazette”, occurring in sub-section (1), the words, “then, in case of the State Government, such officer as may be

authorised in this behalf by the State Government, by notification in the Official Gazette, and in the case of the corporation or the company, the Managing Director thereof", shall be substituted; and

(iv) after sub-section (2) the following sub-sections (3) and (4) shall be added, namely:—

“(3) Nothing in sub-section (1) shall affect any interest of the State Government, a corporation or a Government company, in any property created by any mortgage, charge, pledge or other encumbrance.

(4) Where the property of any person referred to in sub-section (1) is subject to any mortgage, charge or other encumbrance in favour of the State Government, a corporation or a Government company, then in every case of a pledge or hypothecation of goods, or a mortgage, charge or other encumbrance on immovable property, such property or, as the case may be, the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person, and if the proceeds of the sale of the property are less than the sum due, proceedings may be taken against the other property of such person:

Provided that where the State Government is of the opinion that it is necessary to do so for safe-guarding the recovery of the sum due to it or to the corporation or Government company, as the case may be, it may, for reasons to be recorded, direct proceedings to be taken simultaneously for the recovery of the sum due in respect of goods pledged or hypothecated, the immovable property mortgaged, charged or encumbered and other property of such person.”

5. After section 3 of the principal Act, the following new section 4, along with its heading, shall be inserted, namely:— Insertion  
of section 4.

“4. *Levy of fees as service charges.*—The State Government may require the corporation or a Government company, as the case may be, to pay to it a fee as service charges to the extent as the State Government may consider appropriate:

Provided that the proposed fee shall be published in the Official Gazette and objections shall be invited within thirty days from the date of said publication and further that the State Government shall consider the objections, if any, before levying the fee.”

शिमला-2, 18 अगस्त, 1982

क्रमांक एल0 एल0 आर0-डी (6) 16/82.—सैलरीज एण्ड ग्रलौसिज आफ डिप्टी मिनिस्टर्ज (अमैंड , बिल. 1982 ( 1982 का विधेयक संख्यांक 11) को "भारत के संविधान" के अनुच्छेद 200 के अन्तर्गत दिनांक 13 अगस्त, 1982 को राज्यपाल महोदय की स्वीकृति के उपरान्त एतद्द्वारा सर्वसाधारण की जानकारी के लिए राजपत्र, हिमाचल प्रदेश में 1982 का अधिनियम संख्यांक 11 के रूप में प्रकाशित किया जाता है ।

हस्ताक्षरित/-  
सचिव (विधि) ।

Act No. 11 of 1982.

**THE SALARIES AND ALLOWANCES OF DEPUTY MINISTERS  
(HIMACHAL PRADESH) (AMENDMENT) ACT, 1982**

AN

ACT

*further to amend the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (Act No. 5 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) (Amendment) Act, 1982.

Short title  
and  
commence-  
ment.

(2) It shall and shall always be deemed to have come into force with effect from the 2nd day of June, 1982.

5 of 1971.

2. In section 3 of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971, hereinafter called the principal Act, for the words "eight hundred", the words "one thousand and four hundred" shall be substituted.

Amendment  
of section 3.

3. After section 6 of the principal Act, the following new section 6-A, along with its heading, shall be inserted, namely:—

Insertion of  
section 6-A.

**"6-A. Free transit by railway.**—Each Deputy Minister shall be provided with two free non-transferable first class passes, valid during the term of his office, which shall entitle him and his spouse or any other person, accompanying him to look after and assist him, to travel at any time by any railway in India; provided the aggregate distance so travelled in any financial year on these passes does not exceed twenty thousand kilometres:

Provided that if the journey is performed by an air-conditioned railway coach or by air he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first-class fares for such journey.

**Explanation.**—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's

3 of 1971

and Deputy Speaker's Salaries Act, 1971, or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, shall be taken into account."

Insertion of  
section 8-A.

4. After section 8 of the principal Act, the following new section 8-A, along with its heading, shall be inserted, namely:—

**"8-A. House building advance.**—In case a Deputy Minister does not avail himself of the facility of motor car advance as provided in section 8, he may be paid by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house, or for the purchase of a built-up house."

Amendment  
of  
section 9.

5. In sub-section (1) of section 9 of the principal Act, the words "if such facility is available at such place at normal rates and without incurring an additional cost", shall be omitted and in the proviso, for the words "fifty rupees" the words "three hundred rupees" shall be substituted.

Insertion of  
new section  
9-A.

6. After section 9 of the principal Act, the following new section 9-A, along with its heading, shall be inserted, namely:—

**"9-A. Allowances and perquisites to be exclusive of income-tax.**—The allowances payable to the Deputy Minister, and free furnished house, and other perquisites admissible to him, under this Act, shall be exclusive of income-tax which shall be payable by the State Government.

**Explanation.**—The amount of income-tax payable by the State, would be the first slab of the income assessed for income-tax *i. e.* in assessing this amount, the other sources of income of the Deputy Minister concerned shall not be taken into consideration."